IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5954 of 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE JAYANT PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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J M JOSHI & 1 - Petitioner(s)
Versus
AHMEDABAD URBAN DEVELOPMENT AUTHORITY & 3 - Respondent(s)

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Appearance :
M/S TRIVEDI & GUPTA for Petitioner(s) : 1 - 2.
MR PREMAL R JOSHI for Respondent(s) : 1,
MR MENGDEY, AGP for Respondent(s) : 2 - 4.

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CORAM : HONOURABLE MR.JUSTICE JAYANT PATEL

Date : 02/11/2006

ORAL JUDGMENT

1. When the matter is taken up for hearing, Mr.Joshi, learned Counsel appearing for AUDA

places on record the communication dated 8.7.2004 issued by the T.P. Officer to AUDA opining that there would not be requirement of 12 mtrs wide road, which is subject matter of the present petition. He further places on record the communication dated 25th October, 2004 issued by the AUDA to the T.P. Officer opining that since the other approach road is available, there is no objection if the proposal for 12 mtrs wide road is dropped or cancelled.

2. In view of the above, as such it appears that the grievance of the petitioner would not survive. However, Mr.Nayak, learned Counsel for ONGC states that in the event the action is not taken pursuant to the communications and in the Scheme the insistence is made for 12 mtrs wide road, which is subject matter of this petition, the petitioner may be at liberty to approach before this Court once again.

3. Under the above circumstances, the petition is disposed of as having become infructuous in view of the aforesaid both the communications dated 8.7.2004 and 25th October, 2004. Rule

discharged. I.R., if any, shall stand vacated. It is clarified that in the event the proposal for 12 mtrs wide road is not dropped or is continued, the petitioner shall be at liberty to ventilate the grievance by appropriate proceedings, as may be permissible in law and the present order shall not operate as a bar. Direct service is permitted.

2.11.2006 **(Jayant Patel, J.)**

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